

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION - LEXINGTON

LEAD CIVIL ACTION NO. 5:08-cv-459-JBC
(To be Filed in all related and Consolidated Cases
5:08-cv-456, 5:08-cv-510, 5:09-cv-255, and 5:09-cv-362)

HEATHER McKEEVER and
SHANE HAFLEY,

PLAINTIFFS

v.

MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, et al

DEFENDANTS

AFFIDAVIT OF LYNN E. SZYMONIAK, ESQ.,
AS PLAINTIFFS' EXPERT

STATE OF FLORIDA
COUNTY OF PALM BEACH

LYNN E. SZYMONIAK, Esq., having been duly sworn, does state the following:

1. I am an adult citizen of the United States, and have resided in Palm Beach County, Florida since 1979.

EX. F

2. I am an attorney and was admitted to the Florida Bar in 1980.
3. For the past twenty years, my practice has primarily in cases involving white-collar crime allegations, particularly, in representing major insurance companies in claims that they have been defrauded by large policyholders.
4. In the last ten years, I have also served as an expert witness in civil and criminal cases. In criminal cases, I have served as an expert witness for the United States of America and the State of California. I have testified at trial in two federal court cases in Jacksonville, Florida, where the allegations involved false and fabricated documents including fabricated insurance policies and certificates of insurance. The two cases were United States v. Thomas King, Case No. 3:05-cr-52-J-99MMH, Middle District of Florida, Jacksonville Division and United States v. Donald Touchet, et al., Case No. 3:2007cr00090, Middle District of Florida, Jacksonville Division. I also submitted an expert opinion for the government in a New York Northern District federal case that ended in a guilty plea: United States v. James Kernan, Case No. 5:2008cr00061. I have also submitted an expert opinion in a criminal case currently pending in the Middle District of Florida and in a state case currently pending in California, both involving fraudulent insurance documents.
5. I was formerly a Certified Fraud Examiner, and have had nine hours training by the National Association of Certified Fraud Examiners in identifying forged and fabricated documents, in a course taught by retired agents of the FBI.
6. I have examined a copy of the Assignment of Mortgage in the foreclosure action presently before this Court, a copy of which is attached hereto. In the upper left-hand corner of this document, the following statement appears:
Record and Return To:
GMAC Mortgage, LLC

Record Services
3451 Hammond Avenue
Waterloo, IA 50702

7. I have examined over 2,000 other Mortgage Assignments, including at least 200 from GMAC Mortgage.
8. On at least 1,000 of these Assignments, the information is false and/or inaccurate and outright fraudulent. The fraudulent assignments occur most frequently when the grantee is a mortgage-backed securitized trust as in the present case.
9. In the vast majority of securitized trusts, the transfer from the original lender to the trust occurs within 10 days of the original loan. If done properly, the loan is transferred from the original lender, to a depositor (the entity that gathers a group of loans), to the securities company to the trust. (This process is described in a recent bankruptcy case involving fraudulent assignments, *In re Silvia Nuer*, Case No. 08-17106 (REG), in a Memorandum of Law of the United States Trustee in Support of Sanctions against J.P.Morgan Chase Bank National Association, filed January 4, 2010.)
10. Each such trust is governed by a Pooling & Servicing Agreement and each such Agreement includes a closing date, the date by which the transfer of the properties to the trust must be completed. This closing date is usually within the first six weeks of the origination of the trust.
11. Each trust also includes a provision that specifies that the mortgages, notes, and ASSIGNMENTS IN RECORDABLE FORM, be delivered to the trustee. The Assignments are not actually recorded, but remain with the documents custodian of the trust in the event they are needed for a foreclosure if the borrower defaults.

12. In the rush to create securitized trusts, many trusts were created without conforming to the Trust Agreement. In these trusts, the Mortgage Assignments were never obtained. Years later, when a borrower with a property in such trust defaults, the trust cannot produce the Assignment needed to establish standing to foreclose. In such cases, instead of admitting to the court and the borrower that the Assignments are missing, or obtaining a replacement assignment from the original lender, a fraudulent replacement assignment is often created.

13. These replacement assignments often are prepared in the name of MERS even though MERS never had an ownership interest in the properties and is not correctly named as wither a grantor or grantee in an assignment. Most recently, Fannie Mae had issued a rule change (copy attached) stating that MERS shall not be named in Assignments and that foreclosures should not be brought in the name of MERS.

14. In the present case, the following are indicators that this Assignment may be fraudulent:

- the assignment was prepared by GMAC Mortgage, LLC, but signed by an officer of MERS and only MERS is identified as the grantor, with no indication of whether MERS is acting as nominee for the original lender or for an intervening assignee;
- on other Assignments, this same individual, Patricia Kelleher, signs as an officer of GMAC mortgage (see attached example), but if Kelleher signed as a GMAC officer, there would be an obvious problem with the chain-of-title as no documents has been filed showing GMAC as grantee;
- the grantee is "Deutsche Bank Trust Company Americas as Trustee" but the name of the actual trust is not set forth in the Assignment – this is critical information as Deutsche Bank Trust Company Americas acts as Trustee for many different securitized trusts;

Case 5:09-cv-00362-KKC Document 1-1 Filed 12/12/2009 Page 1 of 2

RECORD AND RETURN TO:
GMAC MORTGAGE LLC
ATTN HELEN KAYLE
RECORD SERVICES
3451 HAMMOND AVE
WATERLOO IA 50702

GMAC # 0601745572/HAFHEY
MERS #100037506017455727
MERS PHONE 1-888-679-6377

This Space Reserved for Recording Information
ASSIGNMENT OF MORTGAGE

For value received, MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC. at 1595 SPRING HILL RD STE 310, VIENNA VA 22182, hereby sells, assigns, and transfers to DEUTSCHE BANK TRUST COMPANY AMERICAS AS TRUSTEE, 1761 EAST ST. ANDREW PLACE, SANTA ANA CA 92705, its successors and assigns all its right, title and interest to a certain Mortgage described as follows:

EXECUTION DATE:	5/14/2007
ORIGINAL BORROWER:	HEATHER M. HAFHEY AND SHANE M. HAFHEY, WIFE AND HUSBAND
ORIGINAL LENDER:	BANK OF THE BLUEGRASS AND TRUST COMPANY
COUNTY:	FAYETTE
STATE:	KENTUCKY
RECORDING DATE:	5/25/2007
DOC/INST NUMBER:	200705250199
BOOK:	6084
PAGE:	140
PROPERTY ADDRESS:	3250 DELONG ROAD, LEXINGTON KY 40515

September 25, 2009

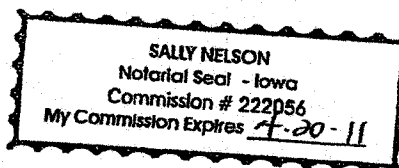
MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC.

Patricia Kelleher
PATRICIA KELLEHER, LIMITED SIGNING OFFICER

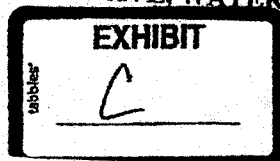
State of Iowa
County of Black Hawk

On this September 25, 2009, before me, a Notary Public in and for the above county and state, personally appeared PATRICIA KELLEHER, who being by me known to be the LIMITED SIGNING OFFICER of said company that the seal affixed to the said instrument is the seal of said company by authority of its board of directors, and they acknowledged the execution of said instrument to be the voluntary act and deed of said company, by it voluntarily executed.

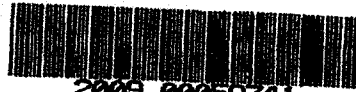
Sally Nelson
SALLY NELSON
Notary in and for said County and State
My Commission expires: 4/20/2011



Prepared by: HELEN KAYLE Helen Kayle
GMAC MORTGAGE LLC, 3451 HAMMOND AVE, WATERLOO IA 50702



Return to
DES



2009 00059741
Blk: 23589 Pg: 177 Page: 1 of 1
Recorded: 11/24/2009 02:08 PM

GMAC# 0600757279/SEMETER
MIN 100037506007572796
MERS 888-679-6377

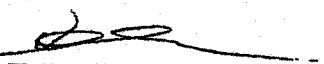
STATUTORY ASSIGNMENT OF MORTGAGE

For value received, **CORNERSTONE MORTGAGE CORPORATION, 75 CRESCENT ST, WALTHAM MA 02453**, hereby sells, assigns, and transfers to **MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC., at 1595 SPRING HILL RD, STE 310, VIENNA VA 22182**, its successors and assigns all its right, title and interest to a certain Mortgage described as follows:

EXECUTION DATE: 9/17/2003
ORIGINAL BORROWER: PATRICIA A. SEMETER, JOINTLY WITH SPOUSE AND
THOMAS J. SEMETER, JOINTLY WITH SPOUSE
ORIGINAL LENDER: CORNERSTONE MORTGAGE CORPORATION
COUNTY: MIDDLESEX
STATE: MASSACHUSETTS
RECORDING DATE: 9/25/2003
DOC/INST NUMBER: 00116369
BOOK: 16269
PAGE: 208
PROPERTY ADDRESS: 2 PRIMROSE LANE, WESTFORD, MA

Signed November 9, 2009

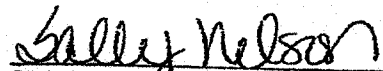
CORNERSTONE MORTGAGE CORPORATION

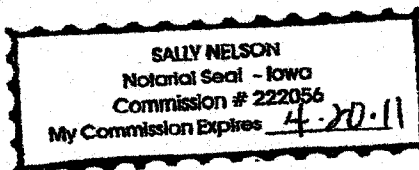

CAROL CHAPMAN, ASSISTANT SECRETARY
State of Iowa
County of Black Hawk



U01006575
5655 11/16/2009 76077503/1

On this November 9, 2009, before me, a Notary Public in and for the above county and state, personally appeared CAROL CHAPMAN, who being by me known to be the ASSISTANT SECRETARY of said company that the seal affixed to the said instrument is the seal of said company by authority of its board of directors, and they acknowledged the execution of said instrument to be the voluntary act and deed of said company, by it voluntarily executed.


SALLY NELSON
Notary in and for said County and State
My Commission Expires: 4/20/2011



Prepared by: PAT KELLEHER, GMAC MORTGAGE LLC

Recordings Requested by &
When Recorded Return To:
US Recordings, Inc.
2925 Country Drive Ste 201
St. Paul, MN 55117

PLAINTIFF'S EXHIBIT C

Francis M. Roache
Register of Deeds

(MORTGAGEE'S AFFIDAVIT DESIGNATING MORTGAGE IDENTIFICATION
NUMBER MIN)

State of IOWA
County of BLACK HAWK

GMAC #0600923382/BERMAN

RECORD & RETURN TO:
GMAC MORTGAGE LLC
ATTN HELEN KAYLE/CRT DEPT
3451 HAMMOND AVE
WATERLOO IA 50704

The undersigned, **PATRICIA KELLEHER**, does hereby depose and say as follow:

1. That I am an authorized officer of the mortgagee, Mortgage Electronic Registration Systems, Inc.
2. That this affidavit refers to the Mortgage (or assignment), from **ANDREA R. BERMAN** to **MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC.** as nominee for **RELIANT MORTGAGE COMPANY LLC**, in relation to property located at **287 RICE AVE, REVERE MA 02151**, and recorded in **SUFFOLK, County Recorder's office in BOOK 33887 PAGE 181; MORTGAGE DATED 2/25/2004 IN THE AMOUNT OF \$217,000.00.**
3. That the mortgagee has designated a Mortgage Identification Number (MIN), which will act as the permanent reference number with respect to the mortgage (or assignment) identified in Paragraph 2.
4. That any MIN previously referenced with respect to the mortgage (or assignment) identified in Paragraph 2 is invalid.
5. That the correct MIN for the mortgage (or assignment) identified in Paragraph 2 is MIN **100037506009233827** and that the MERS telephone number to call for information when using this MIN is **(888) 679-6377**.

Signed MARCH 10, 2009

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.

Patricia Kelleher
PATRICIA KELLEHER, LIMITED SIGNING OFFICER

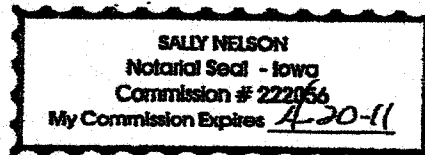
On this MARCH 10, 2009, before me, a Notary Public in and for the above said county and state, personally appeared **PATRICIA KELLEHER**, who being by me know to be the **LIMITED SIGNING OFFICER** of said company by authority of its board of directors, and they acknowledged the execution of said instrument to be the voluntary act and deed of said company, by it voluntarily executed.

Sally Nelson
SALLY NELSON, Notary
My Commission Expires: 4/20/2011

Prepared By:

HELEN KAYLE

GMAC MORTGAGE LLC, 3451 HAMMOND AVE, WATERLOO IA 50702



20080102000000490 SRTIS
Bk:RB4434 Pg:299
01/02/2008 02:16:07 PM 1/1

FILED Joyce H. Pearson
Register of Deeds, Orange Co., NC
Recording Fee: \$.00
NC Real Estate TX: \$.00



MAIL
10

9870-10-0364

Sw.

SATISFACTION OF SECURITY INSTRUMENT

GMAC MORTGAGE, LLC - CONSUMER #: 8259420126 "PLAUE" Lender ID: 61048/8259420126 Orange, North Carolina PIF:
12/13/2007
MERS #: 100069782509420120 VRU #: 1-888-679-6377

THE UNDERSIGNED corporation certifies that it is the owner of the indebtedness secured by the hereafter described Deed of Trust and that the debt or other obligation in the original amount of \$95,800.00 secured by the Deed of Trust executed by DAVID C PLAUE GINA M. PLAUE, Grantors, to RANDY WARLICK AND AMY E JOHNSON, Trustee, for MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., ("MERS"), Beneficiary, and Recorded in Orange County, State of North Carolina on 12/14/2004 in Book/Reel/Liber: RB3631 Page/Folio: 299 as Instrument No.: 20041214000441970, was satisfied on 12/13/2007.

Property Address: 100 COMMONS WAY, CHAPEL HILL, NC 27516

The undersigned corporation requests that this certificate of satisfaction be recorded and the above-referenced security instrument be cancelled of record.

Mortgage Electronic Registration Systems, Inc. ("MERS")
On December 24th, 2007

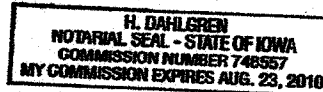
By:
PATRICIA KELLEHER, Assistant Secretary

STATE OF Iowa
COUNTY OF Black Hawk

On December 24th, 2007, before me, H DAHLGREN, a Notary Public in and for Black Hawk in the State of Iowa, personally appeared PATRICIA KELLEHER, Assistant Secretary being by me duly sworn and duly executed of Mortgage Electronic Registration Systems, Inc. ("MERS"), personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal on December 24th, 2007

H DAHLGREN
Notary Expires: 08/23/2010 #748557

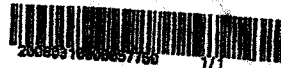


(This area for notarial seal)

Prepared By: Bulk, GMAC MORTGAGE, LLC 3451 HAMMOND AVENUE, PO BOX 780, WATERLOO, IA 50704-0780
1-800-295-4622
Recording Requested By: GMAC MORTGAGE, LLC
When Recorded Return To: DAVID C PLAUE, 100 COMMONS WAY, CHAPEL HILL, NC 27516

FILED Joyce H. Pearson
Register of Deeds, Orange Co., NC
Recording Fee: \$.60
NC Real Estate TX: \$.08

20080310000057750 S0115
Bk:RB4476 Pg:367
03/10/2008 04:18:47 PM 1/1



MAIL
OK

9789-67-2834

On

SATISFACTION OF SECURITY INSTRUMENT

GMAC MORTGAGE, LLC #0600700039 "BOZYMSKI" Lender ID:40930600700039 Orange, North Carolina PIF: 02/19/2008
MERS #: 100037506807800392 VRU #: 1-888-678-6377

THE UNDERSIGNED corporation certifies that it is the owner of the indebtedness secured by the hereafter described Deed of Trust and that the debt or other obligation in the original amount of \$483,500.00 secured by the Deed of Trust executed by DAVID S BOZYMSKI NATA K. BOZYMSKI, Grantors, to KENNETH R EMBREE, Trustee, for BRADFORD MORTGAGE COMPANY LLC, Beneficiary, and Recorded in Orange County, State of North Carolina on 06/03/2003 in Book/Reel/Liber: 3079 Page/Folio: 294 as instrument No.: NA, was satisfied on 02/19/2008.

Property Address: 122 PORTER PLACE, CHAPEL HILL, NC 27514

The undersigned corporation requests that this certificate of satisfaction be recorded and the above-referenced security instrument be cancelled of record.

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ("MERS")
On February 29th, 2008

By:
PATRICIA KELLEHER, Assistant Secretary

STATE OF Iowa
COUNTY OF Black Hawk

On February 29th, 2008, before me, H DAHLGREN, a Notary Public in and for Black Hawk in the State of Iowa, personally appeared PATRICIA KELLEHER, Assistant Secretary being by me duly sworn and duly executed of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ("MERS"), personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal on February 29th, 2008

H DAHLGREN
Notary Expires: 08/23/2010 #748557

H. DAHLGREN
NOTARIAL SEAL - STATE OF IOWA
COMMISSION NUMBER 748557
MY COMMISSION EXPIRES AUG. 23, 2010

(This area for notarial seal)

Prepared By: Bulk, GMAC MORTGAGE, LLC 3451 HAMMOND AVENUE, PO BOX 780, WATERLOO, IA 50704-0780
1-800-766-4622

Recording Requested By: GMAC MORTGAGE, LLC

When Recorded Return To: DAVID S BOZYMSKI, 122 PORTER PLACE, CHAPEL HILL, NC 27514

Ex
the



20100517000095040 AFDVT
Bk:RB4846 Pg:364
05/17/2010 01:11:56 PM 1/1

FILED Joyce H. Pearson
Register of Deeds, Orange Co., NC
Recording Fee: \$14.00
NC Real Estate TX: \$0.00

DB

(MORTGAGEE'S AFFIDAVIT DESIGNATING MORTGAGE IDENTIFICATION
NUMBER MIN)

State of IOWA
County of BLACK HAWK

GMAC #0602321767/MERRITT

RECORD & RETURN TO:
GMAC MORTGAGE LLC
ATTN HELEN KAYLE/CRT DEPT
3451 HAMMOND AVE, P.O. Box 780
WATERLOO IA 50704

The undersigned, PATRICIA KELLEHER, does hereby depose and say as follow:
1. That I am an authorized officer of the mortgagee, Mortgage Electronic Registration
Systems, Inc.

2. That this affidavit refers to the Mortgage (or assignment), from MICHAEL H. MERRITT
to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC. AS NOMINEE
FOR FIRST FINANCIAL SERVICES INC, in relation to property located at 118
SHADOW RIDGE PLACE, CHAPEL HILL NC 27516, and recorded in ORANGE
County Recorder's office in the State of NORTH CAROLINA, recorded on 5/28/2009
as BOOK RB4747 PAGE 493 DOC NO 20090528000126690, Mortgage dated
5/27/2009 in the amount of \$184,000.00.

PARCEL: 9860-81-3263 LB

3. That the mortgagee has designated a Mortgage Identification Number (MIN), which will
act as the permanent reference number with respect to the mortgage (or assignment)
identified in Paragraph 2.
4. That any MIN previously referenced with respect to the mortgage (or assignment) identified
in Paragraph 2 is invalid.
5. That the correct MIN for the mortgage (or assignment) identified in Paragraph 2 is MIN
100233206023217672, and that the MERS telephone number to call for information when
using this MIN is (888) 679-6377.

Signed MAY 12, 2010

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.

Patricia Kelleher
PATRICIA KELLEHER, ASST. SECRETARY

On this MAY 12, 2010, before me, a Notary Public in and for the above said county and
state, personally appeared PATRICIA KELLEHER, who being by me know to be the ASST.
SECRETARY of said company by authority of its board of directors, and they acknowledged the
execution of said instrument to be the voluntary act and deed of said company, by it
voluntarily executed.

Kathy Goulden
KATHY GOULDEN, Notary
My Commission Expires: 4/17/2011
Commission #752348

KATHY GOULDEN
Iowa Notarial Seal
Commission Number: 752348
My Commission Expires: 04/17/2011

Prepared By: HELEN KAYLE
GMAC MORTGAGE LLC, 3451 HAMMOND AVE, WATERLOO IA 50702

RECORD AND RETURN TO:
GMAC MORTGAGE LLC
ATTN: HELEN KAYLE/CRT DEPT
3451 HAMMOND AVE
WATERLOO IA 50702

CFN 20100345443
OR BK 24077 PG 0095
RECORDED 09/15/2010 16:29:36
Palm Beach County, Florida
Sharon R. Bock, CLERK & COMPTROLLER
Pg# 0095 - 96; (2pgs)

GMAC # 20070130738
JAMES D. WILLIAMS
TIN 15301/Barman

This Space Reserved for Recording Information
CORRECTIVE ASSIGNMENT OF MORTGAGE

*** THIS CORRECTIVE ASSIGNMENT IS BEING RECORDED TO CORRECT AND REPLACE THE ASSIGNMENT
RECORDED ON 4/15/2010 IN BK 23800 PG 1779 DOC NO 20100142926 FROM MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS INC. TO RESIDENTIAL FUNDING COMPANY LLC FKA RESIDENTIAL FUNDING
CORPORATION TO CORRECT THE ASSIGNORS NAME *** and the file ***

For value received, GMAC MORTGAGE LLC at 3451 HAMMOND AVE, WATERLOO IA, hereby sells, assigns, and transfers to
RESIDENTIAL FUNDING LLC FKA RESIDENTIAL FUNDING CORPORATION at 1100 VIRGINIA DR, FT
WASHINGTON PA 19034, its successors and assigns all its right, title and interest to a certain Mortgage described as follows:

EXECUTION DATE:
ORIGINAL BORROWER:
ORIGINAL LENDER:

8/31/2007
JOEL BURNAM, A SINGLE PERSON
MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC. AS
NOMINEE FOR FIRST MAGNUS FINANCIAL CORPORATION
PALM BEACH
FLORIDA

COUNTY:
STATE:
RECORDING DATE:
DOC/INST NUMBER:
OFF. REC. #:
PAGE:
LEGAL:
Signed AUGUST 31, 2010

3/16/2007
20070130738
21522
1639
SEE ATTACHED LEGAL DESCRIPTION

Witness:

Heather Rindel
HEATHER RINDEL

Nikki Brown
NICCI BROWN

GMAC MORTGAGE LLC

Patricia Kelleher
PATRICIA KELLEHER, LIMITED SIGNING OFFICER

State of Iowa
County of Black Hawk

On this AUGUST 31, 2010, before me, a Notary Public in and for the above county and state, personally appeared
PATRICIA KELLEHER, who being by me known to be the LIMITED SIGNING OFFICER of said company that the seal affixed to
the said instrument is the seal of said company by authority of its board of directors, and they acknowledged the execution of said
instrument to be the voluntary act and deed of said company, by it voluntarily executed.

Sally Nelson
SALLY NELSON
Notary in and for said County and State
My Commission Expires: 4/20/2011

Prepared by: HELEN KAYLE
GMAC MORTGAGE LLC
3451 HAMMOND AVE
WATERLOO IA 50702

Sally Nelson
Notarial Seal State of Iowa
222056
My Commission Expires: 4-20-2011